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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/268,080 03/12/99 LONKA

P 297-008554-U

EXAMINER

WM02/0102

CLARENCE A GREEN  
PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD CT 06430

MAUNG, N

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

01/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/268,080

Inventor(s)

Lonka et al.

Examiner

Nay A. Maung

Group Art Unit  
2681



☒ Responsive to communication(s) filed on Mar 12, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 (pgs.)

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2681

1. The Group and/or Art Unit location of your application in the PTO has changed.

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2681.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it contains legal language "comprises". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al (hereinafter Hasegawa) in view of Takagi et al (hereinafter Takagi).

Regarding claim 1, Hasegawa discloses a telephone (10) comprising a first part (body 1), a second part (2) attached to the first part movably between a first (retracted) and second (extended) position, and where the first part includes a transceiver and antenna (4) coupled thereto. Hasegawa fails to disclose the second part has an arrangement for attaching a battery, but discloses a keypad and microphone.

However, Takagi teaches a second part (15) in which a microphone and arrangement for attaching a battery (Figure 14, microphone and battery contained within housing which is attachable to phone body 1) are present. Further, the second part is movably coupled to a first part (1). As Takagi teaches that it is known in the art to integrate a microphone and battery attachment mechanism, and Hasegawa disclose that it is known in the art to have two parts movably coupled, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a battery attachment mechanism in a movably coupled second part in order to provide separate modules for particular functions of the telephone.

Regarding claims 2-4, Hasegawa further discloses that the first part comprises a display (6) and a quick-action keyboard (8), and the second part comprises a number keyboard (3). Hasegawa also discloses a circuit board of the number keyboard and a connector to form an electric connection between the first and second part (Col. 5:30-45, use of cable to connect circuitry in phone to circuitry within keypad housing). Hasegawa fails to disclose the use of a

charging connector to charge a battery or that the electric connection connects the battery with the circuitry within the telephone, but the use of power circuitry to provide electrical connection to all circuitry is inherent within a wireless telephone device.

Further, Takagi teaches that the second part comprises a charging connector (160) for connecting an external charger to the battery device as well as the use of an electrical connection for powering the circuitry in the first and second parts (Col. 6;30-Col. 7;5) from the battery. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a charging connector in order to recharge depleted batteries for further use of a wireless telephone device.

Regarding claims 14, 17, Hasegawa and Takagi disclose that the telephone is a mobile telephone in a digital cellular network (Hasegawa, Col. 6;55-65). Hasegawa and Takagi also disclose that the telephones incorporate grip designs to allow the user to grip the device with one hand (Hasegawa – telephone body housing 1 and Takagi body housing (1) or battery housing (15)).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa and Takagi as applied to claim 3 above, and further in view of Bremer.

Regarding claim 5, the combination discloses all the particulars of the claim except for the use of a vibrating alarm device. However, the use of vibrating alarm devices contained within telephones is known in the art. Bremer teaches

telephone in which a vibrating alarm device (129) is incorporated into the housing (Figures 2-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a vibrating call device in order to silently alert the user of incoming calls.

7. Claims 6-10, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa and Takagi as applied to claim 1 above, and further in view of Hansen et al (hereinafter Hansen).

Regarding claims 6-10, 16, Hasegawa further discloses that the first and second part in the first position are located essentially on top of each other (Figure 3). Hasegawa further discloses the use of an elastic member (spring 94) for creating a spring force in between the first and second part (Figures 9-10), where the spring is excited in the first position and released in the second position. Hasegawa also discloses a trigger mechanism (push-push button 90) to lock the second part when in the retracted position and release the second part by user action (Col. 5;65-Col. 6;25). Hasegawa also discloses that the first and second parts are slidably movable with relation to each other (Col. 5;30-35). The combination fails to disclose the use of slide-rails and counter-rails or the sliding action causing the answering of an incoming call.

However, Hansen teaches a telephone in which a first (1) and second (2) part are slidably coupled via rails and counter-rails (Col. 3;13-25, flange and corresponding guide tracks) and that the sliding action causes an incoming call to

be answered (Col. 3;30-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include rails/counter rails and answer incoming calls in order to provide a track in which the two parts slide and allow a more versatile telephone.

8. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa, Takagi, and Hansen as applied to claim 10 above, and further in view of Kobayashi.

Regarding claims 11-12, the combination discloses all the particulars of the claim except for the use of a gear wheel and gear rack for attenuating mutual motion between the two parts. However, Kobayashi teaches use of gear wheels (109) and gear racks (105) within a wireless telephone for attenuating motion between a telephone housing and an antenna. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a gear wheel/gear rack to properly control motion within the telephone device.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa and Takagi as applied to claim 1 above, and further in view of Collins.

Regarding claim 13, the combination discloses all the particulars of the claim except for the second part being rotatably movable with respect to the first part, as well as a hinge between the first and second parts.

On the other hand, Collins teaches a telephone in which the first (10) and second (16) parts are rotatably coupled to each other via a hinge (18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a rotatably coupled part via a hinge in order to provide alternative configurations in which a user can utilize the device.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa and Takagi as applied to claim 1 above, and further in view of Kivela.

Regarding claim 15, the combination discloses a protecting shell of the first part (i.e. – housing for telephone device). The combination fails to disclose the use of a plane antenna inside the protecting shell of the first part.

However, Kivela teaches the use of a plane antenna (116) which is located within the protecting shell (housing) of a telephone device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a plane antenna within the housing in order to prevent damage to the antenna.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsugane et al, Wicks et al, Gray, and Kaschke disclose slidable wireless telephones.




Art Unit: 2681

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nay A. Maung whose telephone number is 703-308-7745.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4700.

  
**NAY MAUNG**  
**PRIMARY EXAMINER**  
Art Unit 2681

December 12, 2000